

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 12/10/02

AGENDA ITEM 4

WORK SESSION ITEM

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Acknowledge Receipt of Canvass for Measure U and Declare Results Thereof and Confirm Ordinance of the Voters Amending the City's General Plan

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution declaring the results of the Special Municipal Election regarding Measure U and confirm the attached Municipal Election Ordinance amending the City's General Plan.

BACKGROUND:

As directed by Resolution 02-119 of the City Council and in accordance with provisions of the Election Code, the Alameda County Registrar of Voters has completed the official canvass of returns of the Special Municipal Election held on November 5, 2002. This election was consolidated with the State's General Election for the Governor, other State officials and various propositions. The total number of ballots cast including provisional ballots in the City of Hayward was 21,058 (2,492 voters did not vote on the measure). For Measure U the totals are as follows:

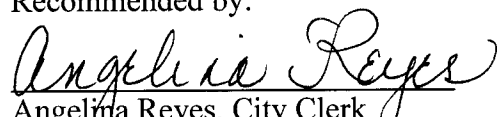
"Shall the General Plan of the City of Hayward be amended, as provided in the measure, to enable the Hayward City Council to pursue implementation of transportation projects which may include alternatives to the Route 238 Bypass and which would qualify for funding from Measure B and other sources?"

Yes: 11,423

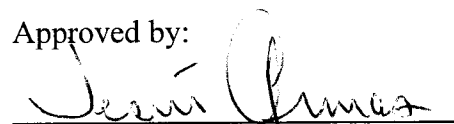
No: 7,143

The official report and certification is on file in the Office of the City Clerk.

Recommended by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION ACKNOWLEDGING RECEIPT OF CANVASS
FOR MEASURE U OF THE SPECIAL MUNICIPAL
ELECTION HELD NOVEMBER 5, 2002, AND DECLARING
THE RESULTS THEREOF**

WHEREAS, on November 5, 2002, a Special Municipal Election was duly held pursuant to law in the City of Hayward; and

WHEREAS, by Resolution No. 02-119 the canvass of the returns of the Special Municipal Election was authorized to be completed by the Alameda County Registrar of Voters; and

WHEREAS, the City Clerk has canvassed the returns and has certified the results thereof to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council does hereby acknowledge receipt of the certification of the canvass and hereby declares the results of the canvass as follows:

1. The total number of ballots cast in the Special Municipal Election was 21,058 ballots.
2. At said election Measure U, a ballot measure relating to the Route 238 Alternative, was voted on and approved by the electorate. Votes in favor of the Measure totaled 11,423. Votes opposed to the Measure totaled 7,143. A copy of the Measure is attached as Exhibit "A" and hereby confirmed by the City Council.
3. For the purposes of voting in said election, the City of Hayward was divided into 82 polling places and 21 all mail ballot election precincts. Measure U received the number of votes by precinct and by absentee ballots, as outlined in Exhibit "B" attached hereto and made a part hereof by this reference.
4. The City Clerk is hereby authorized and directed to enter a copy of this resolution with appropriate other entries upon the minutes of this City Council as a statement of the results of the election.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

BALLOT TITLE

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING THE CITY'S GENERAL PLAN TO ENABLE THE HAYWARD CITY COUNCIL TO PURSUE IMPLEMENTATION OF A TRANSPORTATION PROJECT WHICH QUALIFIES FOR FUNDING FROM MEASURE B AND OTHER SOURCES

STATEMENT TO BE SUBMITTED TO VOTERS

Shall the General Plan of the City of Hayward be amended, as provided in the initiative, to enable the Hayward City Council to pursue implementation of a transportation project which qualifies for funding from Measure B and other sources.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE _____

In 1992, the voters of the City of Hayward adopted amendments to the Hayward General Policies Plan which require the City Council to support construction of the Route 238 (Foothill Freeway) as described in the 1987 Draft Environmental Impact Report for the Foothill Freeway. At that time it was anticipated that approximately \$70 million for funding the construction would be derived from the one-half cent increase in local sales tax established by Measure B. Litigation subsequent to Measure B has resulted in a trial court disallowing expenditures of Measure B funds for the route proposed by Measure L.

The proposed initiative would modify the City's General Plan by deleting reference to the route specified in the 1987 Draft Environmental Impact Report for the Foothill Freeway (EIR) and would require the City Council to pursue funding for implementation of transportation projects that would relieve traffic congestion in the City of Hayward from Measure B and other sources. The initiative also authorizes directs the Council to make future amendments to the City's General Plan necessary to accommodate the implementation of such traffic congestion relief projects.

If this Measure is adopted, the City Council would be allowed to amend the City's General Plan to accommodate traffic congestion relief projects, other than the route detailed in the 1987 Foothill Freeway EIR, funded by Measure B and other funding sources. If the Measure is rejected, the City's General Plan would continue to require that the City Council support construction of the Foothill Freeway as described in the 1987 Draft Environmental Impact Report.

EXHIBIT B

General Election
Tuesday, November 5, 2002

Polling Plc #	Location	Address	Reg Voters	Total Votes	Measure U Yes	Measure U No
420210	Shiloh Baptist Church	22582 S Garden Ave	289	145	83	62
420500	Mosquito Abatement Building	23187 Connecticut Street	671	227	150	77
420600	Fire Station 6	1401 West Winton Ave	760	306	199	107
420900	County Education Building	313 West Winton Ave	459	179	117	62
421000	Southland Mall Community Room	Lower Level	1209	521	285	236
421100	Park School	411 Larchmont St	1312	542	314	228
421400	Schafer Park School	26268 Flamingo Ave	899	306	198	108
421510	Tyrell School	27000 Tyrrell	857	316	195	121
421700	Eldridge School	26825 Eldridge Ave	1103	486	282	204
421900	Shepard School	27211 Tyrrell Ave	931	259	172	87
422000	Edens Gardens School	2184 Thayer Ave	810	398	257	141
422100	County Public Works Building	951 Turner Court	1120	480	284	196
422300	Southgate Community Center	26780 Chiplay Ave	107	466	267	199
422600	Palma Ceia School	27679 Melbourne Ave	1198	444	277	167
422700	Language Center	28000 Calaroga Ave	970	472	301	171
422810	Fire Station 4	27836 Loyola Ave	817	322	225	97
422900	Lorin Eden School	27790 Portsmouth Ave	896	356	237	119
422910	Josephine Lum Lodge	2747 Oliver Drive	1151	436	296	140
423000	Garage	27687 Mandarin Ave	710	235	159	76
423100	Ruus School	28027 Dickens Ave	717	289	186	103
423300	Spanish Ranch Recreation Room	28400 Granada Circle	439	203	133	70
423400	Eden Youth Center	680 W Tennyson Road	1095	480	307	173
423600	New England Village	940 New England Village Dr	647	343	209	134
423610	Georgian Manor	1419 Buckingham Way	666	300	192	108
423710	Continental Mobile Home Park	28606 Huntwood Ave	656	251	181	70
424000	Treeview/Bidwell School	175 Fairway Street	1052	505	318	187

424100	Treeview School	30565 Treeview Street	567	257	142	115
424400	Fairway Park Baptist	525 Gresel Street	959	392	233	159
424600	Fairway Park Baptist	525 Gresel Street	1067	438	258	180
430600	City Hall Rotunda	777 B Street	1151	461	292	169
430700	Senior Citizens Center	1435 Grove Way	643	257	165	92
430810	Casa Sandoval	1200 Russell Way	431	166	123	43
430900	City Hall Rotunda	777 B Street	1024	349	215	134
430100	Burbank School	353 B Street	1203	380	229	151
431100	Hayward Hills Convalescent Hospital	1768 B Street	962	393	229	164
431800	St Regis Retirement Center	23950 Mission Blvd	512	228	115	113
432110	John Muir School	24823 Soto Road	891	295	189	106
432200	Good Shepard Lutheran Church	166 W Harder Road	1240	447	291	156
432300	Garage	24939 Joyce Street	946	332	185	147
432400	YMCA Gym	951 Palisade Street	796	297	170	127
432600	La Familia	26081 Mocine Ave	678	307	155	152
432700	Cesar Chavez School	27845 Whitman Street	919	354	241	113
432810	Holiday House	29827 Mission Blvd	522	120	87	33
432900	Family Room	686 Woodchuck Place	780	285	170	115
433100	St Clements Church	738 Calhoun Street	797	285	176	109
433200	Hillside Alliance Church	944 Central Blvd	637	274	110	164
433400	Garage	27105 Fielding Drive	1217	604	400	204
433610	Highland Baptist Church	27476 Hayward Blvd	1022	557	348	209
433710	Highland Baptist Church	27476 Hayward Blvd	970	523	324	199
433800	Woodland Estates Recreation Building	2494 Oakes Drive	353	237	163	74
433900	Woodland Estates Recreation Building	2494 Oakes Drive	391	220	145	75
V420300	All Mailed Ballots Precinct		157	71	40	31
V420310	All Mailed Ballots Precinct		40	12	7	5
V420420	All Mailed Ballots Precinct		4	0	0	0
V420800	All Mailed Ballots Precinct		225	66	28	38
V424200	All Mailed Ballots Precinct		65	26	9	17

V430410	All Mailed Ballots Precinct		4	1	0	1
V430500A	All Mailed Ballots Precinct		45	20	13	7
V430720	All Mailed Ballots Precinct		140	48	38	10
V431110	All Mailed Ballots Precinct		8	5	4	1
V431120	All Mailed Ballots Precinct		2	0	0	0
V431200	All Mailed Ballots Precinct		8	4	3	1
V431210	All Mailed Ballots Precinct		35	10	8	2
V431300	All Mailed Ballots Precinct		81	21	10	11
V431310	All Mailed Ballots Precinct		67	26	18	8
V431400	All Mailed Ballots Precinct		162	58	22	36
V431410	All Mailed Ballots Precinct		24	6	3	3
V431500	All Mailed Ballots Precinct		132	55	32	23
V431610	All Mailed Ballots Precinct		28	14	9	5
V431700	All Mailed Ballots Precinct		157	59	25	34
V431900	All Mailed Ballots Precinct		158	56	30	26
V433620	All Mailed Ballots Precinct		1	1	0	1
V438120	All Mailed Ballots Precinct		13	3	1	2
V438140	All Mailed Ballots Precinct		2	1	1	0
V438500	All Mailed Ballots Precinct		5	0	0	0
V420200C	All Mailed Ballots Precinct		233	64	38	26
V420210A	All Mailed Ballots Precinct		193	54	27	27
V420200A	All Mailed Ballots Precinct		218	72	39	33
V420050B	All Mailed Ballots Precinct		1	0	0	0
V430100B	All Mailed Ballots Precinct		4	0	0	0
V430500B	All Mailed Ballots Precinct		2	1	1	0
V420010	All Mailed Ballots Precinct		1	1	0	1
V420030A	All Mailed Ballots Precinct		77	17	8	9
V420050A	All Mailed Ballots Precinct		178	58	24	34
V420200B	All Mailed Ballots Precinct		21	11	6	5
		Total	44710	18566	11423	7143

DRAFT



ORDINANCE NUMBER ME 2002-01

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING THE CITY'S GENERAL PLAN TO ENABLE THE HAYWARD CITY COUNCIL TO PURSUE IMPLEMENTATION OF A TRANSPORTATION PROJECT WHICH QUALIFIES FOR FUNDING FROM THE MEASURE B AND OTHER SOURCES

WHEREAS, since 1962, the City of Hayward and the State of California have proposed construction of a new route to alleviate traffic congestion in downtown Hayward and

WHEREAS, in 1992, the voters of the City of the City of Hayward adopted Measure L which made amendments to the Hayward General Plan requiring the City Council to support construction of Route 238 (Foothill Freeway) based substantially on the design described in the 1987 Draft Environmental Impact Report for the Foothill Freeway; and

WHEREAS, Measure L anticipated that approximately \$70 million for funding the construction for the Foothill Freeway would be derived from the one-half cent increase in local sales tax established by Measure B; and

WHEREAS, litigation subsequent to the adoption of Measure L has resulted in a trial court disallowing expenditures of Measure B funds for the route proposed by Measure L.

NOW THEREFORE, the voters of the City of Hayward do, in enacting this ordinance wish to declare their continuing strong support for finding a solution for traffic congestion in the City of Hayward, ordain as follows:

That portion of the Circulation Element Strategy entitled Measure L currently contained on page 3-29 of the General Plan of the City of Hayward shall be amended to read as follows:

"In order to relieve traffic congestion in the City of Hayward, the City Council shall pursue funding for and implementation of transportation projects which qualify for funding from Measure B and other sources. The council is further authorized and directed to make any modification to the General Plan required to accommodate the implementation of such projects."

ADOPTED by the voters of the City of Hayward on 5th day of November 2002,
and confirmed by the Hayward City Council in Resolution No._____.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward